

EXHIBIT A

N4QMCAR1

109

1 The Court ruled on that. DNA will not be uttered in this
2 courtroom.

3 THE COURT: What seems to be the case is that your
4 client is basically endeavoring certainly to speak to his
5 "public," but, more troublesome, to the jury in this case about
6 stuff that has no business being spoken about.

7 MR. TACOPINA: The jury has been instructed not to
8 read any media or press in this case, right, your Honor, so we
9 have to assume the jury is not going to violate the Court's
10 order.

11 I will do this. First of all, let's also just put
12 things in context. A week ago, before this trial started,
13 there was an article which I read again yesterday in reference
14 to -- that was a leak -- not certainly Ms. Kaplan or her
15 office, but somebody leaked the fact that two mock juries had
16 come to a conclusion finding liability. You talk about
17 prejudicial a week before a trial. I think that pretty much is
18 the pinnacle of prejudicial.

19 THE COURT: But you say you are not accusing the
20 plaintiff's team of having done that.

21 MR. TACOPINA: I'm not accusing Ms. Kaplan, Ms.
22 Crowley, or any of the lawyers on that team. Somebody from the
23 plaintiff's side did that, whether it was a jury consultant,
24 one of the jurors that they use. Somebody from that side
25 leaked it. Certainly it wasn't us. I'm being consistent with

1 the Court's desires here, and I have a great deal of respect
2 for Ms. Kaplan and I like Ms. Kaplan. I'm not suggesting she
3 would have done that. But someone from that world leaked that.

4 THE COURT: Someone from that world may have been
5 somebody that was picked up off the street and offered whatever
6 they offered these days to sit for a day and give an opinion
7 and leave. Now, you know how those things work, and you are
8 trying to pin it on the plaintiff.

9 MR. TACOPINA: No, your Honor. It's impossible
10 because they knew about the other juries and the other juries.
11 It was not a person that was on the jury who didn't sign a
12 protective order, by the way, and just left. This individual,
13 if you read the article, which I have read --

14 THE COURT: I have too. It says that there were 37,
15 if I have the number right, people brought in and the 37 were
16 all, as I understood the article, in one place at one time and
17 then they were divided into three groups.

18 MR. TACOPINA: Correct.

19 THE COURT: Every person in there knew there were
20 three groups.

21 MR. TACOPINA: Yes. But every person in there, if
22 they were provided three groups, would have known what the
23 other jurors came to as a conclusion, I would imagine.
24 Hopefully, that was protected, right?

25 THE COURT: Mr. Tacopina, I have a good imagination

N4QMCAR1

111

1 too and I can imagine that you are right, and I can imagine the
2 facts are entirely different.

3 MR. TACOPINA: OK. I never complained about --

4 THE COURT: What you are trying to do is to get away
5 from a statement by your client, a public statement that, on
6 the face of it, seems entirely inappropriate.

7 MR. TACOPINA: Your Honor, I will address that with my
8 client today. I will. I assure you. I will try and prevent,
9 to the degree I have the ability to, any posts regarding that.

10 I'm sorry, your Honor. I just can't accept the fact
11 that that is inappropriate and a leak about results in a
12 confidential, protective-order, governed mock jury was leaked
13 to the press.

14 THE COURT: You don't know that it was a leak by
15 anybody who had any obligation to anything in this case. It
16 may have been, I acknowledge that. But you could not put a
17 witness on the stand to establish what you are assuming is the
18 case, unless I don't know something.

19 MR. TACOPINA: You are right. I'm relying on common
20 sense. There was information regarding exhibits in there and
21 everything else, but whatever.

22 Again, your Honor, I am just trying to say, there has
23 been things on both sides, if the jury wants to violate the
24 Court's order, that could affect their fair and impartial
25 deliberations. I will assure you. There was a protective

1 A. At Bergdorf Goodman.

2 Q. What is Bergdorf Goodman?

3 A. Bergdorf Goodman with is a luxury retail specialty store.

4 Q. Where is it located?

5 A. 57th and Fifth Avenue.

6 Q. Now, Ms. Beall, you are testifying today in the case of E.
7 Jean Carroll v. Donald Trump?

8 A. Yes.

9 Q. Have you ever spoken with Ms. Carroll before?

10 A. No.

11 Q. Have you ever met her before?

12 A. No.

13 Q. What was the first time you heard her name?

14 A. I probably read about it, but the first time I was aware of
15 it was when I was contacted by your office.

16 Q. Going back to the spring of 1996, what was your job at that
17 point at Bergdorf Goodman?

18 A. I was the store manager of the women's store.

19 Q. Had you been working at Bergdorf for a long time by that
20 point?

21 A. Yes. Since 1988.

22 Q. Could you describe, just generally for the jury, what your
23 responsibilities were as store manager?

24 A. Sure. As the store general manager, my responsibilities
25 were to operate the store. It was a daily operations, oversee

N4q2Car2

Beall - Cross

138

1 Q. Here's my question. Given the proximity from the fitting
2 room to the main area, if somebody, let's say, screamed from
3 inside a dressing room, would they be heard out in the main
4 area?

5 A. If they screamed, I guess, depending on the volume, sure.

6 Q. And if somebody's head was --

7 THE COURT: Counselor, if a tree falls in the forest
8 and there is no one there to hear, right? It depends whether
9 somebody is there, doesn't it?

10 MR. BRANDT: I got an answer, your Honor.

11 THE COURT: I know you did, but let's not play this
12 kind of game.

13 MR. BRANDT: I'm not playing a game, your Honor. I'm
14 trying to ask the witness questions.

15 THE COURT: You know where I'm coming from.

16 BY MR. BRANDT:

17 Q. Let me ask you this question.

18 A. Okay.

19 Q. Where did you have security cameras located in Bergdorf in
20 general?

21 A. The only thing that I can tell you for certain, I know we
22 had them at the -- at all of the doors, but I don't actually
23 know where they would have been in the store.

24 Q. Let's start with the doors. So talking about the main
25 entrances and exits to the store?

1 A. I remember him being -- he was very large, and his whole
2 weight came against my chest and held me up there, and he
3 leaned down and pulled down my tights.

4 Q. What, if anything, were you doing while that was happening?

5 A. I was pushing him back. It was quite clear that I was not
6 going -- I didn't want anything else to happen. It was quite
7 clear. I pushed him back. This arm was pinned down. This arm
8 had my purse. Trying to get him back.

9 Q. At any point during this encounter, do you recall saying
10 no?

11 A. No, I don't recall saying it. I may have said it.

12 MR. FERRARA: Just one moment, your Honor.

13 Q. At any point during this encounter did you scream?

14 A. I don't remember screaming. I'm not a screamer. I'm a
15 fighter. I'm much more physical than I am vocal.

16 Q. What about his head? What is happening?

17 A. His head was beside mine breathing. First, he put his
18 mouth against me.

19 Q. Do you mean he kissed you?

20 A. Yes.

21 Q. Did you kiss him back?

22 A. No. I didn't consider it a kiss. It was such -- it was a
23 shocking thing for him to suddenly put his mouth against mine.
24 I thought what. What. What. No.

25 Q. Do you think -- based on what you were experiencing, do you

1 believe that if someone had been nearby, they would have been
2 able to hear what was happening in the dressing room?

3 A. They would have heard the head hitting and definitely would
4 have heard me laughing.

5 Q. You described Mr. Trump as a -- you described Mr. Trump as
6 sort of, I think, larger than you?

7 A. Yeah.

8 Q. Do you recall approximately what the difference or how tall
9 are you?

10 A. At the time I was five-nine. Because I'm 79, I have sort
11 of all compacted down due to gravity, but at the time I was
12 five-nine. I was wearing four-inch heels. So it put me about
13 level with Donald Trump, who I think is six-two. I was
14 six-one. And I weighed at the time about 120, and I believe he
15 weighed about 100 more pounds.

16 Q. Were you afraid while this was happening?

17 A. I was in -- this is going to sound strange. I was almost
18 too frightened to think if I was afraid or not. I was
19 stamping. My whole reason for being alive in that moment was
20 to get out of that room.

21 Q. How were you trying to accomplish that?

22 A. Stamping and trying to wiggle out from under him. But he
23 had pulled down my tights and his hand went -- his fingers went
24 into my vagina, which was extremely painful, extremely painful.
25 It was a horrible feeling because he curved, he put his hand

1 (Jury not present)

2 THE COURT: Give me one minute.

3 Before we bring the jury in, the whole subject of
4 litigation funding is precluded. I'll make a brief remark
5 about it now.

6 In general, litigation funding is not relevant. Here
7 I allowed very limited discovery against what seemed to me a
8 remote but plausible argument that maybe something to do with
9 litigation funding arguably was relevant to the credibility of
10 one or two answers by this witness in her deposition. I gave
11 the defense an additional deposition of the plaintiff, and I
12 gave the defense limited document discovery.

13 On the basis of all that, I have concluded that there
14 is virtually nothing there as to credibility. And even if
15 there were, the unfair prejudicial effect of going into the
16 subject would very substantially outweigh any probative value
17 whatsoever.

18 I may at some point write in more detail, but I don't
19 promise to do so. That's the ruling. The subject is closed.

20 MS. KAPLAN: One quick matter, your Honor.

21 THE COURT: Yes.

22 MS. KAPLAN: It seems highly relevant to what your
23 Honor just said. I had spoken this morning about the Truth
24 Social post from Mr. Trump. There were actually at least two
25 of them which I will provide to your Honor after court.

1 Unfortunately, at 1:54 p.m. this afternoon,
2 Mr. Trump's son, Eric Trump, put out a tweet -- this is not
3 Truth Social. This is on Twitter -- that reads: Zoom out.
4 Jean Carroll's legal battle against my father is allegedly
5 being funded, all caps funded, by political activist Reid
6 Hoffman, cofounder of LinkedIn. A civil lawsuit being funded
7 by a billionaire with no direct involvement in the case out of
8 pure hatred, spite, or fear of a formidable candidate is an
9 embarrassment to our country, should be illegal, and tells
10 everything you need to know about the case at hand....

11 In light of the Truth Social posts, in light of this
12 tweet by Mr. Trump's son, we obviously are considering whether
13 any remedy here would be appropriate, your Honor. It seems to
14 us that would be true in any case for a party -- let me put it
15 this way. If Mr. Trump were going to come in and testify, he
16 would not be able to testify about the topics like litigation
17 funding that your Honor has already excluded. For him to be
18 able to do, effectively, the same thing or try to, effectively
19 do the same thing, on Truth Social or have his son do the same
20 thing on Twitter seems to us to be highly inappropriate.

21 We are going to do some research on this. It's just a
22 warning. We may ask your Honor for some form of relief. We
23 have to try to figure out what would be most appropriate
24 overnight.

25 THE COURT: That's up to you.

1 Mr. Tacopina.

2 MR. TACOPINA: Your Honor --

3 THE COURT: I am not asking for a response. I was
4 addressing you. I am not offended. Don't worry. I'm
5 addressing you.

6 I said something this morning about your client,
7 perhaps now sailing in harm's way, conceivably with his son, if
8 the report I just heard is true.

9 Remedies that might be available from this Court may
10 not be the only relevant remedies. If I were in your shoes,
11 I'd be having a conversation with the client.

12 MR. TACOPINA: Can I just respond now. You did
13 address me. We discussed the earlier post this morning. I
14 heard you and I made my response and my record on that. I
15 don't need to expound on that further.

16 As far as the tweet from Eric Trump, his son, I will
17 address everything with the appropriate parties.

18 Let me just say this. This was before your ruling
19 about five minutes ago. In that tweet there is absolutely
20 nothing offensive or anything even remotely prejudicial. It
21 was stating a fact that there is -- he actually used the word
22 alleged funding by Reid Hoffman, who hates his father. That's
23 a fact. All those things are a fact. Reid Hoffman posted it
24 himself. Eric Trump didn't do anything wrong. Everything he
25 said was true. I am just pointing out, it was before your

1 ruling.

2 THE COURT: Eric Trump isn't before me, so you don't
3 have to defend Eric Trump. I am simply suggesting to you that
4 there are some relevant United States statutes here and
5 somebody on your side ought to be thinking about them.

6 MR. TACOPINA: I've been thinking about them.

7 THE COURT: Good.

8 MR. TACOPINA: Since our chat this morning.

9 THE COURT: Good.

10 Let's get the jury.

11 (Jury present)

12 THE COURT: Thank you. The witness is reminded she is
13 still under oath.

14 You may continue, counselor.

15 MR. FERRARA: Thank you, your Honor.

16 Q. We were talking before we broke, Ms. Carroll, about Donald
17 Trump winning the 2016 presidential race.

18 Do you recall where you were when you learned that he
19 had won?

20 A. Yes. I was at Lisa Birnbach's apartment.

21 Q. That's the same Ms. Birnbach we spoke about earlier?

22 A. Yes.

23 Q. What, if anything, did the two of you discuss that night
24 regarding the assault?

25 A. Well, she -- it was -- Lisa had thrown a big party, and

N4RMCAR2

Carroll - Direct

1 Q. Have you sued Mr. Moonves for defamation?

2 A. No.

3 Q. Why not?

4 A. He didn't -- he did not defame me. He did not call me a
5 liar.

6 Q. How is Donald Trump different?

7 A. Donald Trump called me a liar, said I was pulling a scam,
8 said I was a con, I was running a con, that I was a democratic
9 operative, that I had accused other men of rape, that I was in
10 it for the money, that I was in it for the attention. And Les
11 Moonves stayed quiet.

12 Q. Let's go back -- I was asking you about some work you've
13 done since *Elle* fired you.

14 A. Yes.

15 Q. We are talking about some articles that you had written for
16 the Atlantic.

17 Do you recall that line of questioning?

18 A. Yes.

19 Q. Let me ask you, was one of the articles about someone named
20 Natasha Stoyanoff?

21 A. Yes.

22 Q. Who is Ms. Stoyanoff?

23 A. Ms. Stoyanoff is a respected journalist. She was a reporter
24 for *People* magazine. And her beat was Donald Trump.

25 Q. Why did you decide to write an article about Ms. Stoyanoff?

N4RMCAR2

Carroll - Direct

1 A. Yes.

2 Q. What did you sue him for?

3 A. Defamation.

4 Q. Why?

5 A. Because he called me a liar, because he said I had accused
6 other men of rape. He said I was an operative or in a
7 conspiracy with the democratic party. He said I was trying to
8 sell a book, so I made up this story. And he said I was too
9 ugly to rape. So I sued him.

10 Q. Did anyone tell you to sue him?

11 A. No.

12 Q. When did you get the idea of bringing a lawsuit?

13 A. It was constant -- when I was doing interviews with
14 journalists, many journalists concluded their interviews by
15 asking me, are you going to sue him? And I would say I'm
16 thinking about it, but probably not.

17 Q. Was there any conversation that crystallized the idea for
18 you?

19 A. Yes.

20 Q. What was that?

21 A. I had a conversation with George Conway.

22 Q. Who is George Conway?

23 A. George Conway is a republican lawyer.

24 Q. If you know, do you know Mr. Conway's views on Donald
25 Trump?

N4r2Car3

Carroll - Cross

1 a nuisance. That's sort of the premise of your book, right?

2 A. It's -- my premise is the women who write to me at Ask

3 E. Jean are finding men to be a nuisance.

4 Q. Okay. At one point I think in your book you propose we
5 should dispose of all men?

6 A. Into Montana.

7 Q. Into Montana?

8 A. Yeah, and retrain them.

9 Q. So retrain. So all the men here in this courtroom, in this
10 country, all get shuffled off to Montana and get retrained.

11 A. You understand that that was said as a satire.

12 Q. Ah. Okay.

13 THE COURT: It comes from Jonathan Swift's *A Modest*
14 *Proposal* 700 years ago, right?

15 THE WITNESS: Yes.

16 THE COURT: Let's move on.

17 MR. TACOPINA: Thank you, your Honor.

18 BY MR. TACOPINA:

19 Q. So the book premise talks about the purpose of -- the
20 premise that in order to support your position you drove to
21 these towns that you said were named after women and you asked
22 people in each town what do we need men for, right?

23 A. Yes, I had --

24 Q. Okay. As part of that road trip, you would only eat in
25 cafés named after women?

N4RMCAR4

Carroll - Cross

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AFTERNOON SESSION

2:10 p.m.

(In open court)

THE COURT: Good afternoon, everybody.

Please bring in the jury.

(Jury present)

THE COURT: Ms. Carroll, you are still under oath.

Members of the jury, I hope you enjoined your
delicious repast.

Mr. Tacopina, you may proceed.

MR. TACOPINA: Thank you, your Honor.

BY MR. TACOPINA:

Q. Mr. Carroll, I left off with you by saying that I want to
discuss your story regarding Bergdorf Goodman and Donald Trump.

You met Donald Trump at that event briefly in 1987?

A. Yes.

Q. That was over 35 years ago, as we sit here today, correct?
It was a long time ago.

A. Yeah, right.

Q. When you met him at that event, you weren't alone at the
time, right?

A. No.

Q. That meeting happened --

THE COURT: Just a second. The question was: You
weren't alone, right? And you answered no, which raises the

N4RMCAR4

Carroll - Cross

1 question of whether he is not right or whether you weren't
2 alone.

3 Q. When you met him, Donald Trump, in 1987, you were not alone
4 at the time?

5 A. That's correct.

6 Q. That meeting happened within a group of people?

7 A. There were four of us.

8 Q. Right.

9 You, your husband, John Johnson; Donald Trump, and his
10 wife Ivana?

11 A. Yes.

12 Q. And you spoke for about five minutes, five or six minutes?

13 A. Yes.

14 Q. During that group conversation you spoke with Ivana?

15 A. Yes.

16 Q. And you actually had in your possession a photograph that
17 was snapped of that brief encounter, correct?

18 A. Yes.

19 Q. And you kept that photograph of you with Donald Trump for
20 two decades, right?

21 A. It was in a scrapbook.

22 Q. Whose scrapbook?

23 A. My scrapbook.

24 Q. I said, you kept that photograph of you with Donald Trump
25 for two decades?

N4RMCAR4

Carroll - Cross

1 A. Yes.

2 Q. And because that photograph was taken before iPhones and
3 all these things, it was a physical photograph, like the
4 traditional?

5 A. Yes.

6 Q. You made it a point when submitting your book proposal that
7 we talked about to include within that book proposal the
8 photograph that we just discussed, correct, of Donald Trump?

9 A. Yes.

10 MR. TACOPINA: Could you put up PX-12, please. It's
11 in evidence.

12 Q. Just to be clear, this is the photograph we are talking
13 about, correct?

14 A. Yes.

15 Q. That's the encounter, right?

16 A. Yes.

17 Q. That, by the way, is your exhusband, John Johnson, who you
18 described strangled you three times, correct?

19 A. Yes.

20 Q. And that brief encounter happened either at one or two
21 parties, right?

22 A. Yes.

23 Q. I think it was maybe the NBC television party where you
24 worked or an ABC party where your exhusband, John Johnson,
25 worked?

N4RMCAR4

Carroll - Cross

1 A. Yes.

2 Q. You don't remember for sure which one it was when you met
3 Donald Trump, right?

4 A. No.

5 Q. You also don't recall where the party was hosted?

6 THE COURT: I'm sorry. It's the same problem.

7 MR. TACOPINA: I just realized that. You're right,
8 your Honor, absolutely.

9 Q. You also don't recall where the party was hosted?

10 A. I can picture the room, but I don't remember where the room
11 was.

12 Q. And you don't remember the subject matter that you
13 discussed?

14 A. It was various subjects. Quickly, it was a lilting, quick,
15 juicy, interesting conversation that I don't remember what the
16 topics were.

17 Q. Do you remember that it was a juicy conversation, but you
18 don't remember what was juicy about it?

19 A. That's right.

20 Q. In fact, you don't even remember who else you spoke to at
21 the party.

22 A. No. I had memories of speaking to people, probably, at
23 this party, but I can't absolutely say for certain that it was
24 this party.

25 Q. After that party where you had this quick conversation of

N4RMCAR4

Carroll - Cross

1 five minutes between the four of you -- and it seemed like a
2 bunch of people right behind you as well.

3 Is that right, Mr. Carroll?

4 A. I think they are shoving through to go around us.

5 Q. In any event, after that, you never had any phone calls or
6 communications with Donald Trump, correct?

7 A. Correct.

8 Q. I mean up until the time you say you met him in Bergdorf.
9 And you never exchanged any letters or anything with him,
10 correct?

11 A. No. You are right.

12 MR. TACOPINA: You can take that down. Thank you.

13 Q. In fact, after the party and before the alleged incident at
14 Bergdorf Goodman, the only other interaction you claim to have
15 had with Donald Trump was in either '94 or '95, right?

16 A. Yes.

17 MR. FERRARA: Objection.

18 THE COURT: Sustained. '94, '95.

19 MR. TACOPINA: Judge -- let me do that again.

20 Q. Before the alleged incident at Bergdorf Goodman, the only
21 other interaction you claim to have had with Donald Trump was
22 in 1994 or 1995, before?

23 THE COURT: I'll allow the question. The witness
24 should listen to it.

25 A. I thought I corrected '94 or '95 yesterday.

N4RMCAR4

Carroll - Cross

1 Q. Ms. Carroll, I am not talking about the alleged incident at
2 Bergdorf Goodman. You said that's '95, '96, right? That's
3 where we're at. Yes?

4 A. OK.

5 Q. I'm talking about a year before that, the other encounter
6 you had with Donald Trump.

7 A. You mean the wave across the street?

8 Q. Yeah, that's what I mean.

9 A. I couldn't put it before '94 or '95. I said sometime
10 between '87 and '95, '96.

11 Q. '87. OK. Hold on one second.

12 A. Possibly. It had to be sometime within --

13 Q. Give me one second. I am just going to look at something,
14 Ms. Carroll.

15 MR. TACOPINA: I am going to read -- direct everyone's
16 attention -- I will just read it, your Honor. I am not going
17 to post it. As soon everybody is ready.

18 Deposition, page 50 of Ms. Carroll from October 14,
19 2022, line 19 through line 9, for the purpose of this question:
20 Page 50, line 19 to page 51, line 9.

21 THE COURT: Just give me a minute.

22 Go ahead.

23 MR. TACOPINA: Counsel, are you ready?

24 MR. FERRARA: Yes. Thank you.

25 Q. You testified under oath in a deposition, Ms. Carroll,

N4RMCAR4

Carroll - Cross

1 that:

2 "Q. Following the conversation, can you please tell me any
3 other time you met with Donald Trump?

4 "A. He said hello to me one time on the street, waved.

5 "Q. When was that?

6 "A. '94 or '95.

7 "Q. When was that? Was that in New York?

8 "A. Yes.

9 "Q. Do you remember where in New York?

10 "A. Yeah. He was standing on the side of Fifth Avenue where
11 the Trump building is, and I was across the street on Fifth
12 Avenue."

13 You gave that answer to that question under oath,
14 correct, Ms. Carroll?

15 A. Yes.

16 Q. And that was truthful?

17 A. Yes.

18 Q. My question was, other than the party and before Bergdorf
19 Goodman, the only other time you claim to have interacted with
20 Donald Trump was in 1994 or 1995, right?

21 A. Yes.

22 Q. And that was this incident we just described where he's on
23 one side of Fifth, you're on the other, right?

24 A. Yes.

25 Q. And you think he may have waved to you from across the

N4RMCAR4

Carroll - Cross

1 street in traffic?

2 A. Yes.

3 Q. And it's your sworn testimony that Donald Trump waved at
4 you across traffic, even though he only met you briefly at a
5 party eight or nine years earlier and hadn't had any
6 interactions with you since, correct?

7 MR. FERRARA: Objection.

8 THE COURT: Sustained. Argumentative.

9 Q. Well, you testified that the party was 1987, so that's
10 eight or nine years earlier than '94 or '95, right?

11 THE COURT: We can all do the math.

12 A. Yes.

13 Let's move it along. Everybody can subtract 84 from
14 93, or whatever it is.

15 MR. TACOPINA: Thanks, your Honor.

16 Q. Other than that, math that we can all do, you hadn't any
17 other interactions with him since, correct?

18 A. Yes.

19 Q. And you are not even sure really if he was waving at you,
20 right, Ms. Carroll?

21 A. I turned around to see if anyone was standing behind me. I
22 didn't see anyone. So I waved back.

23 Q. It seemed to you that he was waving at you, but, as you
24 have said previously, you can't say with certainty whether he
25 was waving at you or someone else, right?

N4RMCAR4

Carroll - Cross

1 A. That's right.

2 Q. Let's talk about Bergdorf Goodman for a minute.

3 You would agree that Bergdorf Goodman is a store of
4 perfections?

5 A. Yes.

6 Q. In fact, the store's perfections are well known?

7 A. Yes.

8 Q. You would agree that the store is also posh?

9 A. Yes.

10 Q. Meaning it's upscale, right. OK.

11 The store is also gracious?

12 A. Particularly gracious, yes.

13 Q. Meaning its employees are courteous and attentive. In
14 fact, in this regard you would agree that the store is novel?

15 A. Many stores aim to have -- to be gracious.

16 Q. When I asked you about gracious, I'm saying, when you said
17 gracious, you mean that its employees are courteous and
18 attentive, correct?

19 A. By gracious I mean they are warm and inviting and conducive
20 to shopping.

21 Q. And its level of service and attention to customers is
22 strikingly unique and resembles nothing else.

23 You said that, right?

24 A. Yes.

25 Q. In fact, it is your belief that because Bergdorf Goodman is

N4RMCAR4

Carroll - Cross

1 such an upscale store, it even refers to its customers as
2 clients, right?

3 A. I don't think I said that, but I certainly agree with it.

4 Q. Is it your testimony that you have not used clients in
5 regards to Bergdorf Goodman's customers?

6 A. I am not sure if I did or not. I don't know.

7 Q. On the day you claim to have seen Donald Trump at Bergdorf
8 Goodman you were alone when you went into the store, right?

9 A. Yes.

10 Q. And you don't recall with any clarity of what you went
11 there to buy that day, correct?

12 A. No.

13 THE COURT: No, it's not correct or --

14 THE WITNESS: No. That's correct. I don't remember
15 what I was shopping for.

16 MR. TACOPINA: Sorry, your Honor.

17 Q. When you were leaving Bergdorf Goodman that day you
18 supposedly saw Donald Trump coming in?

19 A. Yes.

20 Q. And at the time you were separated by a door?

21 A. Yes.

22 Q. In your book, which you published in 2019, you don't recall
23 whether it was a revolving door or just a regular hinge door,
24 correct? Is that correct?

25 A. Yes.

N4RMCAR4

Carroll - Cross

1 push-in-and-out door.

2 Q. You wrote the book in 2019?

3 A. I wrote it in 2018.

4 Q. Again, my question is, you became sure that it was a
5 revolving door in 2019?

6 A. Yes.

7 Q. Because you went there 20 something years after the alleged
8 incident?

9 A. Yes, I did.

10 Q. According to you, as you were coming out of the store, he,
11 from the outside, held his hand up?

12 A. Yes.

13 Q. And he did that, obviously, while he was still outside and
14 on the other side of the door?

15 A. Yes.

16 Q. And you stayed inside the store?

17 A. Yes.

18 Q. You didn't come out at any particular point; you waited for
19 him?

20 A. No. He went like this, so I stopped.

21 Q. OK.

22 And at the time of this supposed interaction, your
23 story is that Donald Trump didn't have any security with him at
24 all?

25 A. None that I could see.

N4RMCAR4

Carroll - Cross

1 Q. In fact, according to you, just like yourself, he was
2 alone?

3 A. I believe he was.

4 Q. As far as you know, you can't identify anybody by name who
5 saw this supposed interaction between you and Mr. Trump?

6 A. No.

7 THE COURT: I'm sorry to interrupt again. Does that
8 mean, Ms. Carroll, that the statement that you can't identify
9 anybody or saw it is not correct or that it is correct?

10 THE WITNESS: I could not identify anyone who was in
11 the store at the time or outside with Donald Trump at the time.

12 THE COURT: Mr. Tacopina, I would hope you would
13 phrase your questions in a way that we don't have to keep doing
14 this.

15 MR. TACOPINA: Sure, your Honor.

16 THE COURT: Thanks.

17 Q. According to you, at that moment upon seeing -- the moment
18 he saw you in Bergdorf Goodman he said to you, hey, you're that
19 advice lady?

20 A. Yes.

21 Q. And you responded by saying, hey, you're that real estate
22 tycoon?

23 A. Yes.

24 Q. And around this period of time, from 1995 to 1996, Donald
25 Trump was a well-known public figure?

N4RMCAR4

Carroll - Cross

1 A. Yes.

2 Q. He was a man about town who could make television
3 appearances and was entertaining?

4 A. Yes.

5 Q. And you yourself called him one of New York's most famous
6 men?

7 A. Oh, absolutely.

8 Q. It's your story that the people in the store recognized him
9 at the time?

10 A. Yes. Two people in the store.

11 Q. One was a customer who was sort of gaping at him, correct?

12 A. Yes.

13 Q. And, according to you, a sales attendant recognized Donald
14 Trump also?

15 A. Yes.

16 Q. It's your story that no sales attendant at Bergdorf tried
17 to help him?

18 A. No. That is -- no sales assistant tried to help him.

19 Q. According to you, after Donald Trump saw you through a
20 door, stopped you, supposedly recognized you after speaking to
21 you for a few minutes eight or nine years earlier, he asked you
22 to help him buy a present?

23 MR. FERRARA: Objection to the argumentative portion
24 of the question, your Honor.

25 THE COURT: Sustained. Rephrase.

N4RMCAR4

Carroll - Cross

1 A. Yes.

2 Q. And it's your story while on the sixth floor you didn't see
3 any customers there?

4 A. No, I didn't see any customers.

5 Q. It is your claim you didn't see a single person in any of
6 the departments you walked through on that floor?

7 A. I didn't see anybody. We went past cruise wear. Could
8 have been bathing suits. I think it was cruise wear. I didn't
9 see any people.

10 Q. It's your story that you didn't see any customers on the
11 entire sixth floor?

12 A. Didn't see any.

13 Q. Aside from customers, you also didn't see any sales
14 attendants?

15 A. Did not see any.

16 Q. It's your testimony that in one of New York's most
17 prestigious department stores, there was not a salesperson or a
18 customer or employee on the sixth floor?

19 MR. FERRARA: I am going to object.

20 THE COURT: Objection sustained.

21 You get to make a closing argument in this case,
22 counselor, and this isn't the time for it.

23 Q. Because Bergdorf Goodman is such an attentive, upscale
24 store, you would agree it doesn't make sense that a sales
25 attendant would not be present in the lingerie department when

N4RMCAR4

Carroll - Cross

1 you were supposedly there with Donald Trump?

2 MR. FERRARA: Objection.

3 THE COURT: Sustained.

4 MR. TACOPINA: Can I understand the basis of that,
5 your Honor.

6 THE COURT: Yes. It's argumentative. It's repetitive
7 and it's inappropriate.

8 MR. TACOPINA: I never asked if she thought it ever
9 made sense.

10 THE COURT: I'm sorry, Mr. Tacopina. We are going to
11 move on. In this courtroom, the ruling is the ruling, not the
12 start of an argument.

13 Q. You'd agree that story about no one being on the sixth
14 floor is inconceivable, correct?

15 A. It's hard to imagine that there would not be a sales
16 attendant in Bergdorf's. It's surprising.

17 Q. The word you used to describe that lack of sales attendants
18 or anyone close was inconceivable, correct?

19 A. Yes.

20 Q. Inconceivable --

21 A. Cannot be imagined.

22 Q. Unbelievable, correct?

23 A. Yes, that's what it means.

24 Q. Now, the quality of merchandise and the cost of merchandise
25 at Bergdorf Goodman is relatively expensive compared to a

N4r2Car5

Carroll - Cross

1 You never hit him with your purse, did you?

2 A. I went like this, yeah.

3 Q. You did hit him with your purse.

4 A. I believe I did.

5 Q. Okay. When did you recall that fact, Ms. Carroll, hitting
6 him with your purse?

7 A. I've always recalled that fact.

8 Q. And you mentioned that when you were giving your television
9 interviews about this case or your video deposition?

10 A. I'm not sure if I did.

11 Q. Okay.

12 You describe what was going on in there as a
13 colossal -- "in there" being in the locker room, changing room,
14 a colossal struggle.

15 A. To me it was a colossal struggle.

16 Q. And despite this colossal struggle while you were being
17 violently raped, you -- for as long as three minutes, you never
18 let go of your purse.

19 A. No, I never did.

20 Q. And at one point it's your testimony you managed to get
21 your knee up and push Donald Trump off of you by yourself.

22 A. Yes.

23 Q. And even though the tights or your panties were above your
24 knees?

25 A. Yeah. I could -- they are tights because they are

N4r2Car5

Carroll - Cross

1 Q. And at that time she certainly wasn't your closest friend.

2 A. She was a close friend, not my closest.

3 Q. Prior to this alleged incident at Bergdorf, you didn't
4 speak to her overly often.

5 A. Not overly often, that is correct.

6 Q. In fact, you can't even name another personal matter you
7 confided in with -- in with her prior to this alleged incident.

8 A. Oh, no. We had many conversations. We discussed her
9 breaking up with a certain person.

10 Q. That's her talking to you, confiding in you, right?

11 A. Yes.

12 Q. My question was, you can't name another personal matter of
13 yours that you confided in her prior to this alleged incident?

14 A. Well, I believe when she was confiding in me, I would
15 return the confidence with -- confiding with her with whatever
16 I was going through. I just don't remember it.

17 Q. Okay.

18 You certainly can't say definitively that prior to
19 this alleged incident at Bergdorf you ever shared any other
20 instances with Ms. Birnbach in which you felt abused in your
21 past either sexually or otherwise?

22 A. I don't think I did.

23 Q. So to be clear, it's your testimony that even though at the
24 time she wasn't your closest friend and you never confided
25 anything like this to her before, you thought your first call

N4r2Car5

Carroll - Cross

1 when you left Bergdorf Goodman should be to her?

2 MR. FERRARA: Objection. Argumentative. Asked and
3 answered.

4 THE COURT: Sustained.

5 BY MR. TACOPINA:

6 Q. You thought your first call when you left Bergdorf Goodman
7 should be to Ms. Birnbach?

8 A. She was exactly the person I needed to talk to.

9 Q. And in your story it's because Ms. Birnbach was supposedly
10 hilarious?

11 A. And still is the funniest person I know.

12 Q. Okay. And according to you, if Lisa Birnbach had laughed
13 after you told her you had been sexual assaulted, you would be
14 okay, home free?

15 A. I thought it would put -- I had thought it would let me
16 know it was not as bad as I probably knew it was. I would feel
17 better if Lisa laughed and said, that is funny, then I would
18 have felt better.

19 Q. So it was a possibility in your mind that you were going to
20 describe a violent sexual assault to your good friend against
21 you that had just taken place and Lisa would have laughed and
22 said, oh, that is funny?

23 A. I was going to tell her the story, which I thought was
24 hilarious, and then I got to the point where I had to tell Lisa
25 that he pulled down my tights, and before I said that, Lisa had

N4r2Car5

Carroll - Cross

1 A. I don't -- no, I did not want to tell my story. I did not
2 want to -- I was ashamed of myself.

3 Q. But one of the reasons Carol Martin told you not to tell
4 the story to anyone and one of the reasons you have testified
5 that you never told the story to anyone was because of Donald
6 Trump's power.

7 A. I was afraid Donald Trump would retaliate, which exactly is
8 what he did. That's exactly. One of my biggest fears came
9 absolutely true.

10 Q. Okay.

11 A. He has two tables full of lawyers here today. It came
12 absolutely true.

13 Q. We have about the same amount of lawyers. Not everyone is
14 a lawyer, Ms. Carroll, but regardless of that --

15 THE COURT: Come on, Mr. Tacopina, let's move along.

16 MR. TACOPINA: Yes, sir.

17 BY MR. TACOPINA:

18 Q. So instead you waited for Donald Trump to become arguably
19 the most powerful man in the world, president of the
20 United States of America, to tell your story to everybody.

21 A. I waited until other women -- I was not a pioneer. I'm a
22 follower. I saw other women coming forward after Harvey
23 Weinstein and I thought who am I? Who am I not to stay silent?
24 Also, I was 78 or 79. I just thought I've been silent too
25 long.

N4r2Car5

Carroll - Cross

1 Q. In the decades preceding your lawsuit, you certainly never
2 told any doctors ever about the supposed incident?

3 A. No.

4 Q. And after supposedly being raped by Donald Trump you never
5 saw a medical doctor or got an evaluation?

6 A. No, no.

7 Q. Never went to a psychiatrist?

8 A. No.

9 Q. Never went to a psychologist?

10 A. No.

11 Q. No doctors whatsoever.

12 A. No.

13 Q. And as a result, you have no medical records showing
14 physical injuries from this colossal battle you have described?

15 A. I have --

16 MR. FERRARA: Objection, your Honor.

17 THE COURT: Sustained. Argumentative. The answer is
18 stricken.

19 BY MR. TACOPINA:

20 Q. As a result, do you have any medical records showing
21 physical injuries from the story?

22 A. No.

23 Q. You have no photographs of any physical injuries.

24 A. No, I never took any photographs.

25 Q. You are not aware of anyone who saw any physicals injuries

N4RMCAR6

Carroll - Cross

1 A. I am not sure what the context was. Was I talking about
2 childhood events?

3 MR. TACOPINA: You guys have that clip?

4 MR. FERRARA: I don't think we do. I apologize if I'm
5 wrong, but I don't have it here.

6 Apologies. One moment, your Honor.

7 MR. TACOPINA: We will come back to it, your Honor, if
8 need be. We will straighten this out.

9 Q. You said that you think about what Cam did every day?

10 A. In some form it glances through my mind. Maybe not
11 absolutely every day, but it's frequent.

12 Q. And you acknowledged in that podcast that Cam, you came to
13 learn, was arrested years later?

14 A. Yes.

15 Q. And you recognize that after Cam supposedly abused you he
16 may have abused other girls prior to his arrest, correct?

17 MR. FERRARA: Objection.

18 THE COURT: Sustained.

19 Q. According to you, Donald Trump is a brutal and dangerous
20 man?

21 A. Yes, he is.

22 Q. But, according to you, you wouldn't bring a criminal charge
23 against him because that would be disrespectful to women being
24 raped by the border and around the world?

25 MR. FERRARA: Objection.

N4RMCAR6

Carroll - Cross

1 THE COURT: You already asked that question.

2 MR. TACOPINA: I did not ask this question. I read --
3 played what she said. I am asking a question about what she
4 said.

5 MR. FERRARA: This is not a criminal case, your Honor.

6 THE COURT: Sustained.

7 Q. Let me ask you this. How would you -- it's not a criminal
8 case. How would you bringing criminal charges be disrespectful
9 to some people at the border?

10 MR. FERRARA: Objection.

11 THE COURT: Sustained. Correct me if I'm wrong,
12 counsel, but I believe in the State of New York private
13 individuals can't bring criminal charges and probably have not
14 been able to do that in at least a century or two.

15 MR. TACOPINA: No, they can't. They could go to the
16 police department.

17 THE COURT: That's not what you said, counselor. We
18 have been up and down the mountain on the question of whether
19 she went to the police, so let's move on.

20 MR. TACOPINA: We have not been up and down the
21 mountain of what we just heard.

22 Can I ask one question?

23 THE COURT: Move on.

24 MR. TACOPINA: I guess not.

25 Q. According to you, security cameras must have picked you and

N4RMCAR6

Carroll - Cross

1 MR. TACOPINA: Sure.

2 Q. When you were allegedly assaulted in Bergdorf Goodman by
3 Donald Trump and on the first floor with Donald Trump and on
4 the escalators with Donald Trump, you never thereafter, that
5 day, the next day, the next week or ever tried to get the
6 videos that could have existed to support your claim?

7 MR. FERRARA: I object to the breadth of the question.

8 THE COURT: Sustained.

9 MR. TACOPINA: The breadth. OK.

10 Q. Did you go back the next day to get -- ask for the video
11 camera footage?

12 THE COURT: Sustained. It assumes there is such a
13 thing.

14 MR. TACOPINA: Ms. Carroll in fact testified, as did
15 the Bergdorf Goodman witness, that on the main floor there are
16 security cameras, your Honor.

17 THE COURT: Ms. Carroll testified she guessed, and we
18 have had the testimony from the witness who was at Bergdorf at
19 the time, and she said what she said. We are not going to ask
20 questions based on this kind of statement.

21 MR. TACOPINA: Can I ask this question?

22 THE COURT: I don't know yet. I have not heard it.

23 MR. TACOPINA: I know you don't know it, so I am going
24 to ask it, and you will let me know.

25 Q. Did you ever attempt to ascertain whether there is any

N4RMCAR6

Carroll - Cross

1 video footage of you and Donald Trump at Bergdorf Goodman?

2 MR. FERRARA: Objection.

3 THE COURT: Sustained. I sustained the objection to
4 that question within the last three minutes.

5 Q. You are a writer, Ms. Carroll?

6 A. Yes.

7 Q. And you wrote every day for 18 years at a period of time
8 when you were married to Steve Byers?

9 A. I was still in the -- I was pitching to magazines, and I
10 refused -- everybody said no, no, no, and nobody wanted my
11 work. They didn't like my ideas. And I kept at it until I got
12 my foot in the door.

13 Q. You, early on in life, dedicated yourself to becoming a
14 writer?

15 A. Yes.

16 Q. And writing was important to you?

17 A. Yes. It's the way I process my life.

18 Q. And you kept a diary?

19 A. I've always diaries.

20 Q. Despite the fact that you're clearly an avid writer who
21 kept a diary, you never made a diary entry contemporaneously
22 memorializing this alleged rape by Donald Trump in your diary?

23 A. No. I don't write about negative.

24 Q. You would put in your diary things like, threw the ball for
25 the dog?